

1976 WL 30778 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 17, 1976

*1 Mr. Robert P. Bell
Director
S. C. Appalachian Regional Computer Commission
211 Century Drive—Drawer 6668
Greenville, South Carolina 29606

Dear Mr. Bell:

You have requested an opinion from this Office as to whether or not the South Carolina Appalachian Regional Computer Commission ('Commission') is a non-profit governmental agency authorized to contract with public and private agencies in order to provide computer services to the twenty-three (23) governmental organizations which form its membership. In my opinion, it is.

The Commission was established pursuant to the provisions of Section 1-75, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended (Cum. Supp.), which authorizes:

[l]ocal governments, including counties, municipalities and special service districts, [to] enter into contractual agreements with each other to provide joint public facilities and services when considered mutually desirable.

There can be no doubt that the Commission is a non-profit governmental agency or that the provision of computer services to its membership constitutes the provision of 'public facilities and services.' The fact that the statute expressly gives the authority to contract to 'local governments' only does not mean, to me at least, that those local governments cannot use as a vehicle to exercise their contractual powers an agency which they themselves create specifically in order to provide those joint public facilities and services.

Assuming that the Commission was created pursuant to the provisions of Section 1-75, i.e., that the governing body of each local government which entered into the agreement to create the Commission approved that agreement and was a party thereto, my opinion is that the Commission has the authority to contract with private and public agencies to provide computer services.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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